

**Notice of Allowability**

Application No.

09/823,863

Applicant(s)

SCHWALB ET AL.

Examiner

Art Unit

KIEU-OANH T BUI

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☐ The drawings filed on \_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 06/25/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Krieger on Feb. 16, 2005.

The application has been amended as follows:

**Please delete page 20 in the specification.**

### **DETAILED ACTION**

#### ***Drawings***

1. The drawings filed on 03/30/2001 are acceptable subject to correction of the informalities, the formal drawing is required. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

#### ***Allowable Subject Matter***

2. Claims 1-42 are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 15, 16, 25, and 42, the prior art fails to teach or suggest a method and a system including a DASE set top box for the mass customization of Digital Television broadcasts (DASE digital signals or Digital Television Application Software Environment) through the broadcasting of commercials in the form of software applications, *wherein ad-applications are injected into various sub-streams of the transport stream and received in a dormant state by the client-side set-top box. As when a commercial is to be shown, a broadcaster broadcasts a generic time-stamped trigger to a dispatching application that performs a keyword matching algorithm to decide which ad-application among those received at the receiver is to be executed; and the dispatching application uses the results of the latter comparison to decide which specific dormant ad-application to route to; furthermore, it then converts the generic trigger into a chosen-ad trigger that is routed to the chosen ad-application.* Upon receipt of the chosen-ad trigger, the chosen ad-application executes, thereby displaying an ad customized to the individual viewer's interests

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schwalb et al (US Pub 2002/0120929 A1), Apostolopoulos (US Pub 2002/0116715 A1), Lu et al (US Pub 2002/0059577 A1), and Rowe et al. (US Pub 2001/0003846 A1) disclose ad systems related to streaming signals with different approaches.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)


*Hand-delivered responses should be brought to Crystal Park I.I., 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
February 15, 2005

  
KRISTA BUI  
PATENT EXAMINER